

MARK K. MANDZCK,  
  
Plaintiff,  
  
v.  
  
SARGEANT SAUCEA et. al.,  
  
Defendants.

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Defendant's actions amounted to punishment and were not merely an "incident of some other legitimate governmental purpose." *Id.* Courts may consider the limited amount of time a pretrial detainee spends in jail as a factor in considering claims of constitutional conditions. *Id.*

In the instant case, Plaintiff was subjected to a malfunctioning toilet causing leakage from the toilet and overflow from using a toilet which was not functioning properly. Moreover, such toilet produced a terrible smell. According to the Plaintiff, despite complaints from other detainees and requests for cleaning supplies, jail staff ignored the problem. However, when the day shift arrived at 6:00 a.m., Plaintiff and the other detainees were promptly moved into a clean cell with working facilities.

Complaints of inadequate toilet facilities may state a constitutional violation in certain situations. Sweet v. South Carolina Dep't of Corrections, 529 F.2d 854, 860 n. 11 (4<sup>th</sup> Cir. 1975) (complaints about infrequent showers and inadequate toilet facilities); Williams v. Benjamin, 77 F.3d 756, 764-65 (4<sup>th</sup> Cir. 1996) (inmate deprived of toilet and shower for eight hours after being sprayed with mace). However, in the instant case, although Plaintiff was subject to a malfunctioning toilet for twelve hours, he was promptly moved into a clean cell upon the arrival of the day shift. Plaintiff has failed to establish how Defendant's actions, causing Plaintiff to be in a cell with a malfunctioning toilet for twelve hours, amounted to punishment under the Due Process Clause. The alleged condition, the malfunctioning, leaking toilet, was not a sufficient deprivation to constitute an unconstitutional condition especially in light of the limited time Plaintiff was in the cell. Therefore, Plaintiff's Complaint is dismissed for failure to state a claim.

**IV. ORDER**

\_\_\_\_\_ **NOW, THEREFORE, IT IS HEREBY ORDERED** that Plaintiff's Complaint is  
Dismissed for failure to state a claim for relief.

**SO ORDERED.**

Signed: February 15, 2006

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Graham C. Mullen  
United States District Judge

